UNITED
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GENERAL

S/25971
18 June 1993

ORIGINAL: ENGLISH

LETTER DATED 18 JUNE 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF SINGAPORE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of a statement issued by the Foreign Ministers of ASEAN on Cambodia.

I should be grateful if you could arrange to have the statement circulated as a document of the Security Council.

(Signed) Mark HONG
Chargé d'affaires a.i.

Annex

Statement by ASEAN Foreign Ministers on Cambodia

1. Recalling the statement by ASEAN Foreign Ministers on the elections in Cambodia of 18 May 1993, ASEAN welcomes and endorses the successful elections in Cambodia conducted by the United Nations Transitional Authority in Cambodia (UNTAC). We support the declaration of the Secretary-General's Special Representative that the conduct of the elections was free and fair. The courage of the Cambodian people in coming out in large numbers to cast their votes clearly reflects their determination to have peace and to work for the reconstruction of Cambodia.

2. The Cambodian parties and the international community should respect fully the results of the elections. The elections have demonstrated that the Cambodian peace settlement worked out by the International Conference on Cambodia in Paris remains the viable solution for Cambodia and all parties should continue to respect the terms of this settlement.

3. We also support the efforts of H.R.H. Samdech Preah Norodom Sihanouk to unify the Cambodian people and to bring about national reconciliation. A calm and stable political climate will contribute to the drafting of the constitution and the peaceful establishment of a new government in accordance with the terms of the constitution.

4. We urge all parties concerned to refrain from acts which might lead to renewed hostilities or even civil war in Cambodia. ASEAN reaffirms its full respect for the sovereignty, independence and territorial integrity of a united Cambodia. We reaffirm our commitment to non-interference in internal affairs of Cambodia and call upon all the countries concerned, particularly the neighbouring countries of Cambodia, to do the same.

5. The United Nations and the international community should remain engaged in Cambodia, to support the elected constituent assembly which will draft the constitution in the interim period and establish a new government. Pending the establishment of a new government, UNTAC should continue to exercise the responsibilities assigned to it in accordance with the relevant United Nations Security Council resolutions and establish conditions that will permit the administrative and security apparatus in Cambodia to function effectively under UNTAC's control during the interim period. The United Nations and the international community should continue to assist and support the new Cambodian government after this interim period to strengthen the peace and development which the Cambodian people have so courageously affirmed through the polls.

6. We commend all the personnel of UNTAC for their courage and dedication in the endeavour to bring peace to Cambodia, and we congratulate the Special Representative of the Secretary-General, H.E. Mr. Yasushi Akashi, for his leadership in bringing about the successful elections in Cambodia. We pay special tribute to UNTAC personnel and volunteers especially those who sacrificed their lives in the performance of their duties for the cause of peace in Cambodia.

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ORIGINAL: ENGLISH

LETTER DATED 18 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF ALBANIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to inform you about the recent incidents in Kosova which have led to an extremely dangerous situation there. Thus, several explosions occurred on 14 June between 9.30 and 10 a.m., in several places of Gjakova, a big town of Kosova, in the "Borsi Kidriq" Street, between the "Mallom Kepuska" elementary school and the Catholic Church building. Traces of these explosions were found at the terrace of the elementary school premises, where Albanian pupils were attending classes. At the same time shots were heard from the nearby Çabrati hills, where the Serbian military has been deployed. This incident, which, beyond any doubt, was caused by certain Serbian extremist groups, has increased fear and tension in the area which is populated only by Albanians. The Albanian political parties and associations of Gjakova declared in a statement made after the incident, that violence against Albanians "has reached its climax and their patience is coming to an end".

Yesterday, early in the morning, about 4:00 hrs., heavy Serbian police forces besieged the Gllanaselle village, municipality of Gllogovc, where another dangerous incident happened one month ago. Some 60 Serb policemen, in police vehicles, began the home-raids as they entered the village. Thus, 12 Albanian households were subject to rough and thorough police search, carried out as usual under the pretext of arms search. The operation which went on till 7:00 hrs., resulted in broken doors and house furniture, in heavily beaten Albanians and in finding a hunting rifle held with due permission.

Yesterday another incident occurred in Prishtina, the capital of Kosova. An explosion broke out and an Albanian woman who was severely wounded as a result of the explosion died, thus increasing the death toll of Albanians caused by the Serbian aggression.

Such incidents are happening while the Serbian military presence in the area is being increased with every passing day and the demonstration of force throughout Kosova has enhanced tension there. These incidents are a new escalation of violence carried out by the Serbian occupation regime against the unprotected Albanian people of Kosova. Evidently, the present situation in Kosova is bringing that country to the brink of an open bloody conflict against Albanians in Kosova, a conflict which is being deliberately prepared by Serbs.

Being aware of the explosive situation and of the possibility of the spillover of the conflict in Bosnia-Herzegovina to Kosova and of its consequences for the whole region, Albania has repeatedly asked the Security Council to take appropriate measures, including the deployment of the United Nations troops in Kosova, aiming at preventing the conflict in that region.

The Republic of Albania once again draws the attention of the Security Council on its reiterated demands to timely consider the undertaking of appropriate preventive measures in Kosova.

I would be grateful, Mr. President, if you could kindly have this letter circulated as a document of the Security Council.

(Signed) Thanas SHKURTI
Ambassador
Permanent Representative

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GENERAL ASSEMBLY
Forty-seventh session
Agenda item 137
FINANCING OF THE UNITED NATIONS
PROTECTION FORCE

SECURITY COUNCIL
Forty-eighth year

Letter dated 18 June 1993 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a letter from the Minister for Foreign Affairs of the Republic of Croatia, Dr. Mate Granic, addressed to you (see annex).

I would be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-seventh session of the General Assembly, under agenda item 137, and of the Security Council. 1/

(Signed) Mario NOBILO
Ambassador
Permanent Representative

1/ The communiqué has been reproduced as received. The designations employed do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory or area, or of its authorities.

Annex

Letter dated 18 June 1993 from the Minister for Foreign Affairs of Croatia to the Secretary-General

I have the honour to inform you that the Government of the Republic of Croatia hereby requests the separation of the ongoing mandate of the United Nations Protection Force (UNPROFOR) into three fully independent mandates, notwithstanding its final decision on the possible prolongation of the United Nations peace-keeping operation in the territory of the Republic of Croatia.

Taking into account the new geopolitical realities in the territory of former Yugoslavia, it is the strong opinion of my Government that all the reasons for maintaining the existing framework of the UNPROFOR operation have ceased to exist. Instead, the United Nations should establish three separate operations: one in the territory of the Republic of Croatia, a second in the Republic of Bosnia and Herzegovina and a third in the Republic of Macedonia.

The three aforementioned States are not in a state of war against each other, nor do they form any kind of union - political or otherwise. In no way could these three States be any longer defined as a uniform theatre of operations. It should also be emphasized that the Republic of Croatia is not a signatory to the UNPROFOR agreement.

All this clearly shows that the reasons for a unified UNPROFOR and unified command have ceased to exist and that such treatment is in clear contravention of the principle of sovereignty of the Member States of the United Nations.

At the time when the Security Council started the UNPROFOR mandate in the Republic of Croatia, adopting its resolution 743 (1992) of 21 February 1992, Croatia had not yet become a Member State of the Organization. The Security Council gradually expanded UNPROFOR and its mandate in the territory of the Republic of Bosnia and Herzegovina and (through Security Council resolution 795 (1992) of 11 December 1992) in the territory of the Republic of Macedonia. In the light of the fact that Croatia and Bosnia and Herzegovina became Member States of the United Nations on 22 May 1992, and Macedonia became a Member State on 8 April 1993, it is politically and operationally unacceptable to consider UNPROFOR to be in the territory of former Yugoslavia. Furthermore, its mandate is different in each of those three countries - in Croatia its major goal is peace-keeping, in Bosnia and Herzegovina its essential task is humanitarian aid delivery and in Macedonia it is acting in a supportive role of preventive diplomacy.

Through the separation of the mandate, fundamental differences between these operations will be recognized, particularly those concerning actions in Croatia and in Bosnia and Herzegovina. Contrary to problems in Bosnia and Herzegovina, in Croatia it is not the final political composition of the country that is to be resolved, but the effective solution of the problem of the United Nations Protected Areas (UNPAs). This separation would also benefit the implementation of Security Council resolutions concerning the regime of sanctions against Serb held territories in Bosnia and Herzegovina, as well as

the better implementation of Security Council resolution 820 (1993) of 17 April 1993.

Any future United Nations action in the Republic of Croatia must be based upon the premise that the UNPAs are an integral part of the territory of the Republic of Croatia, as confirmed in Security Council resolution 815 (1993) of 30 March 1993. Accordingly, the United Nations operation in Croatia should not only be operationally separated from those in Bosnia and Herzegovina and Macedonia, but the name of the operation must be changed in a way to reflect the basic fact that it is taking place in Croatian territory.

The Government of Croatia considers the separation of the UNPROFOR (CRO) mandate to be an important step in confirming the sovereignty and territorial integrity of the Republic of Croatia. Such a step, as well as a more clearly defined mandate, will be conducive to and should greatly facilitate finding an adequate peaceful solution to the problem of UNPAs. Should such an arrangement be reached, possible future developments in the Republic of Bosnia and Herzegovina would not interfere with implementation of the Vance Plan for the Republic of Croatia.

An independent United Nations peace-keeping mandate for Croatia will stress its specific goals, as inscribed in relevant Security Council resolutions. It will also help to establish clearer guidelines for the operation, the final goal of which must be the reintegration of the UNPAs with the rest of the Republic of Croatia. Therefore, my Government sincerely hopes that the process of separation of the UNPROFOR mandate will start as soon as possible.

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18 June 1993

ORIGINAL: ENGLISH

LETTER DATED 18 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text in English and French of a statement on North Korea issued by the European Community and its member States on 16 June 1993.

I should be grateful if you would have the present letter and its annex circulated as document of the Security Council.

(Signed) Bent HAAKONSEN
Ambassador
Permanent Representative
of Denmark
to the United Nations

Annex

[Original: English and French]

Statement on North Korea

The European Community and its member States take note of the joint statement of the Democratic People's Republic of Korea and the United States of America issued in New York at the conclusion on 11 June 1993, of government-level talks between the two countries, and the intention of the DPRK and the USA to continue the dialogue with a view to resolving the nuclear issue and to achieving a nuclear-free Korean peninsula.

In this connection the Community and its member States welcome the unilateral decision of the DPRK to suspend the effectuation of its withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons. This positive step should now be followed by the DPRK's reaffirmation of its commitment to the NPT.

In light of their strong commitment to a strengthening of the nuclear non-proliferation regime, the European Community and its member States call upon the Democratic People's Republic of Korea to honour all its obligations under its safeguards agreement with the IAEA and to reaffirm its commitment to the bilateral inspection arrangements agreed in principle with the Republic of Korea.

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S/25975
18 June 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 17 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith a letter dated 16 June 1993 from Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the Iranian attacks on the border areas in northern Iraq during the months of May and June 1993.

I should be grateful if you would have this letter and its annex, the letter from the Minister for Foreign Affairs of the Republic of Iraq, circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 16 June 1993 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to inform you that, during May and June 1993, the Iranian armed forces carried out a series of attacks on the border areas in northern Iraq. The Iranian artillery bombarded a number of villages and townships, and the bombardment caused widespread death or injury among the population and large-scale displacement of the families resident there to locations further inside Iraqi territory, so that these areas were emptied of their inhabitants, who, in addition, suffered large property losses.

The continuation of the brutal Iranian artillery bombardment constitutes blatant and inadmissible aggression that threatens security and stability in the region, which makes it imperative that the Iranian regime be made to realize the gravity of the acts of aggression that it is committing inside Iraqi territory and that it be made to bear full international responsibility for the consequences thereof. Iraq reserves its full right to take measures under the Charter and international law to protect its legitimate rights and interests and to defend its security, the safety of its people and its right to compensation for the damage resulting from these hostile acts.

The Government of the Republic of Iraq, in drawing your attention to the extent of the gravity of this aggression, requests you to intervene in order to prevent the Iranian side from repeating these acts that violate the norms of international law and the Charter of the United Nations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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21 June 1993
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LETTER DATED 17 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I am writing with reference to the letter dated 19 March 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to you (S/25441).

As a preliminary response to the allegations made in the Pentagon report on war crimes imputed to Iraq, we should like to state as follows:

1. The report is full of arbitrary allegations formulated with the assistance of public relations firms and given currency by the information media for patently hostile purposes. Perhaps the most glaring example is the mendacious story, of how infants were deprived of incubators at the hospital, that was recounted in a theatrical manner by the daughter of the Kuwaiti Ambassador while pretending that it was impartial testimony. It later transpired that her allegation was false and that she had been coached by the American public relations firm hired by the Kuwaiti Embassy in Washington.

2. The material in the report is presented in a seductive manner, but it lacks any cogent evidence that might convince the unbiased.

3. The purpose of the Pentagon report is obvious, and it amounts to advancing United States policy with regard to Iraq through the use of disinformation and blackmail in order to intimidate Iraq for political and economic ends. The political goal is to weaken Iraq so as to achieve United States political objectives, chief among which is to ensure Israeli ascendancy. The economic objective is to control Iraq's natural resources, primarily oil, to subject those resources to international tutelage of a new and unprecedented kind to be exercised by the United States of America, and then to impose the same state of weakness, hunger and insolvency on the Iraqi people as it has imposed on other peoples of the world. The United States is promoting this new type of colonialism in order to control the developing countries and their natural resources on the basis of a new world order that accords with its own understanding and its own interests.

4. The report comprises a compilation of information from intelligence sources of dubious objectivity and veracity that emanate from a single country and one that is a party to the conflict, namely the United States of America. That

country alleges that Iraq has committed violations, while it ignores its own violations against the civilian inhabitants of Iraq. It bombarded them savagely and left their homes, mosques and churches in ruins. It destroyed drinking-water and sewerage facilities, historic buildings, shelters in which civilian inhabitants including children, women and old people had sought refuge, and civilian plants such as the Baghdad infant formula factory. The United States sought to halt the wheels of progress, and it had no concern for the spread of disease, ruin and death among the civilian population.

5. Any impartial observer must feel that the United States of America is not qualified to present an objective report on violations of the law of war. We can point to the enormous crimes it committed in Viet Nam, in Grenada, in Panama and in other parts of the world.

6. The Pentagon report alleges that Iraq committed war crimes. It states that "The term 'war crime' is a technical expression for a violation of the law of war, and every violation of the law of war is a war crime". This definition of a war crime is imprecise and illegal, since there has been no agreed definition of a war crime in international law but only attempts at a definition. In any event, an international crime requires the presence of two basic elements, the material element and the moral element (criminal intent), and the latter is not present in the few cases imputed to Iraqi personnel.

7. The report alleges that "Iraqi violations of the law of war were widespread and conducted pursuant to the orders or with the approval of the national leadership of Iraq" (section I., A.). This allegation is untrue, and it would require definite proof to establish it, particularly since the disparate testimony on different experiences given in the report proves that some of the actions that are alleged to have taken place were of an individual character, were not carried out on instructions from the Iraqi leadership and were not, as the report alleges, organized.

8. There are many contradictions in the report, particularly with regard to the matter of prisoners. While the report alleges that "All of the prisoners of war were victims of the war crimes committed by Iraq" (section I., B. 2.), it is stated elsewhere that "Iraq's compliance with the GPW [Geneva Convention relative to the Treatment of Prisoners of War] was mixed" (section II., C. 1.), "... most American POWs were treated kindly and properly from time to time by individual Iraqis" (section II., C. 1.), "Attentive medical care was provided" (section II., C. 2. (e)), and "... the Iraqi military attempted to treat the POWs reasonably well under onerous wartime conditions" (section II., C. 2. (e)).

9. At a number of points, the report speaks of State responsibility for the actions of its personnel and agencies. It is well known that such responsibility arises when the State does not hold its personnel to account when they commit crimes. This has not been the case with Iraq, since military personnel and civilians were brought to trial for acts committed in Kuwait and the competent courts pronounced sentences against them, up to and including capital punishment, which were carried out. This proves that the Iraqi authorities were earnest and resolute to prevent any breach of national or international law, and it refutes the allegation made that such acts were conducted pursuant to the orders or with the approval of the national leadership.

10. The report contains allegations based on individual testimony on which no reliance whatever can be placed, particularly since some of it ignores the duty and responsibility of the Iraqi State at that time to maintain security in Kuwait. Moreover, some of the charges made are to be considered as testimony in Iraq's favour rather than otherwise, such as the rationing of foodstuffs as a measure to prevent crime and preserve human life whether for the sake of Iraqis or others.

11. The report acknowledges that it was the aggressor coalition forces that destroyed certain oil installations and thus caused damage to the environment. Furthermore, according to responsible American sources, United States forces employed new weapons and ordnance (such as the depleted uranium projectiles used against tanks) without the consequences of their use being known, and their serious environmental and biological hazards only began to emerge subsequently.

12. The Pentagon report quotes article 22 of the third Geneva Convention: "Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness". It is clear that, despite the blanket bombardment of all towns and villages in Iraq, Iraq was able to provide prisoners with places of detention in keeping with the Convention within the limits permitted by the general and constant bombardment.

The report also claims that some prisoners complained of severe cold and lack of light in the prison camps. Are the United States and its allies not aware that when they launched their aggression against Iraq they destroyed the electric power stations and oil refineries?

13. It is stated in the report that Iraq intended to use chemical weapons. We ask the world's international lawyers: does a war crime arise from intention alone, and where is the material element and the criminal intent?

14. The report alleges that Kuwaiti civilians were displaced from their homes and their houses given to Iraqi immigrants. This allegation is untrue, since Iraq did not engage in the alleged immigration scheme.

15. It is stated in the report that there were missile attacks by Iraq against Saudi Arabia and Israel and that Israel was "a neutral to the conflict". This allegation is untrue, since Israel was not a neutral to the conflict but a party. It can be recalled that it has carried out numerous hostile acts against Iraq, including the 1981 attack on an Iraqi nuclear reactor dedicated to peaceful purposes without there having been any provocation on the part of Iraq.

Saudi Arabia was a principal party to the armed conflict, and the locations attacked were military sites. It participated in the acts of aggression against Iraq and made its territory a launching point for the forces of the United States and its allies against Iraq. Consequently, the Iraqi response against Israel and Saudi Arabia was in accord with the rules of armed conflict.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

Annex

Fifth report of the Executive Chairman of the Special Commission, established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on the activities of the Special Commission

INTRODUCTION

1. The present report is the fifth on the activities of the Special Commission, established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), submitted to the Security Council by the Executive Chairman of the Commission. It is the fourth such report provided in accordance with paragraph 3 of Security Council resolution 699 (1991). It covers the period from 14 December 1992 to 14 June 1993. It is further to the reports contained in documents S/23165, S/23268, S/24108 and Corr.1 and S/24984.

I. ORGANIZATIONAL AND ADMINISTRATIVE ISSUES

2. Since the last report, there have been further changes in the composition of the Special Commission. Mr. Nicola Circelli has replaced Col. Armando Caputo; Mr. Peter Dunn has replaced Mr. John Gee, who left to take up the position of Director of Verification in the Provisional Technical Secretariat of the Organization for the Prohibition of Chemical Weapons; and Mr. Ron Manley has replaced Professor Bryan Barrass upon the latter's retirement. Mr. Manley has since also submitted his resignation to take up the position of Head of the Chemical Weapons Branch of the Verification Division with Mr. Gee. The Commission hopes to be in a position to submit a nomination for his replacement to the Secretary-General shortly.

3. The organizational structure remains essentially as reported previously. Currently there are 32 staff in the Office of the Executive Chairman in New York, 25 in the Bahrain Field Office and 83 in the Baghdad Field Office.

4. There is still no agreement on the sale of Iraqi oil to finance United Nations operations resulting from the cease-fire resolution. Current expenses have been met from voluntary contributions and advances from Member States and funds made available from frozen Iraqi assets in accordance with Security Council resolution 778 (1992). However, in the absence both of Iraqi agreement to sell oil and of Iraq's acknowledgement of its obligations under resolution 699 (1991) to meet the full costs of the tasks authorized by section C of resolution 687 (1991), the problem of the financing of the Commission's operations remains a matter of great concern and further cash contributions by Governments are urgently required. This is particularly important now as a contract has been concluded to remove from Iraq the irradiated uranium fuel currently stored at Tuwaitha and at Location B, reprocess it and permanently store the wastes. This will involve for the Commission the largest expenditures it has incurred to date. The net contact price amounts to $24,565,000. However, there will be certain ancillary costs for special risk insurance and for radiation protection and other equipment currently estimated to cost in the

neighbourhood of $800,000. These items are available at much lower rates to the United Nations and the International Atomic Energy Agency (IAEA) than to the contractor. While the United Nations Controller has given a guarantee that the United Nations has a legal responsibility to meet the costs of this contract, thereby allowing it to go ahead, it has been agreed that meeting the costs of the contract will have first call on all future incoming funds. Consequently, in order to continue operations, the Special Commission must receive funds adequate not only for operations, but also first to meet the outstanding funds for the contract. The funds currently available to finance the contract will have been expended by late August.

5. Governments have continued to support the operation of the Special Commission through the contribution of personnel, services and equipment. Resolution 687 (1991) foresaw government support in the form of both voluntary contributions and advances, pending a long-term solution to the financing issue. Supporting Governments were asked, in accordance with paragraph 5 (b) of resolution 778 (1992), to inform the Commission of the cost of those contributions that they consider advances. Some responses have been received, most of which indicate that the support provided to date should be viewed as voluntary contributions. A statement of the Commission's operating costs, together with further information on organizational and administrative issues, can be found in appendix I.

II. STATUS, PRIVILEGES AND IMMUNITIES

6. The status, privileges and immunities of the Special Commission, IAEA and the United Nations specialized agencies involved in the implementation of Security Council resolution 687 (1991) continue to be regulated by the relevant agreements and Council resolutions and decisions.

7. The Special Commission and IAEA, on the one hand, and the Government of Bahrain, on the other, have extended for a further six months, until 30 September 1993, the agreement provided for in the exchange of letters relating to the facilities, privileges and immunities of the Special Commission and IAEA in Bahrain. The formal response from the Government of Bahrain was received by the Secretary-General on 29 April 1993.

8. In Iraq, there have been continuing problems in the implementation of the Special Commission's status, privileges and immunities. The security of Commission personnel and property in Iraq had improved somewhat, but the situation recently deteriorated with attacks on Commission personnel and property (see appendix III). It thus continues to remain a serious concern.

III. DEVELOPMENTS

A. Political developments: the attitude of Iraq

9. Inspections of sites declared by Iraq or designated by the Commission have continued. However, Iraq still refuses to cooperate with the Commission and has exhibited a most unwelcome trend in relation to field operations, namely to seek

to restrict the manner in which the Commission's rights are implemented. The main problems are as follows:

(a) (i) Iraq continues to maintain its position on the plans approved under Security Council resolution 715 (1991) for ongoing monitoring and verification, stated in the letter of 19 November 1991 from the then Foreign Minister of Iraq addressed to the President of the Council;

(ii) On 31 January 1993, the Iraqi Government officially informed the Executive Chairman of the Special Commission in writing that Iraq considered the new arrangement of interim monitoring at the Ibn Al-Haytham facility to be conducted under resolution 687 (1991). The Commission understood this to mean that Iraq would prevent this team, or any other team, from operating under the terms of the plan approved under resolution 715 (1991);

(iii) On 1 April 1993, General Amer, Chairman of the Iraqi Military Industrialization Corporation, reading from prepared notes and stressing that this was the official Iraqi position on the issue of monitoring, is reported by the Chief Inspector of an inspection team to have said:

> "Iraq accepted the first monitoring team to the Ibn Al-Haytham Centre in accordance with resolution 687 (1991). However, it appears from the modalities of the monitoring team that the Special Commission is trying to overlap in a discreet fashion Iraqi obligations under resolution 687 (1991) and resolution 715 (1991). This is very clever. Iraq knows that, using Iraqi cooperation under resolution 687 (1991), the Special Commission wants to assert Iraqi obligations under resolution 715 (1991). Iraq is fully aware of this effort. If the objective of the Special Commission is to make sure that no prohibited activities are going on, prohibited items are destroyed and Iraq has no capability to reactivate proscribed programmes, Iraq has no objections as this is part of resolution 687 (1991). However, if the objective is to start a de facto implementation of resolution 715 (1991) without Special Commission testament to the Security Council that Iraq is in full compliance with resolution 687 (1991) and without implementing paragraph 22 of that resolution, Iraq will not welcome this mission. The monitoring missions would not be welcome. But, even in this case, Iraq will still cooperate with the Special Commission to see the true objectives of these missions and to explore the intentions of the Special Commission. Iraq told the Special Commission that resolution 715 (1991) could be discussed only in connection with the implementation of paragraph 22 of resolution 687 (1991). You should never think or believe that it could be done otherwise.";

(iv) On 6 June 1993, the Special Commission informed Iraq of its intention to install cameras to monitor rocket test stands at two sites. On 7 June 1993, a senior Iraqi representative informed the chief of the UNSCOM expert team dispatched to Iraq for the installation of the

cameras that Iraq would not accept any monitoring activities and would insist that the Special Commission limit itself to inspection activities under resolution 687 (1991). This position was confirmed in a letter of 8 June 1993 from Mr. Riyadh Al-Qaysi, Iraqi Deputy Minister for Foreign Affairs, to the Deputy Executive Chairman of the Special Commission, which stated that the installation of the cameras did not fall within the purview of resolution 687 (1991) "but rather comes within the framework of matters and questions that are still the subject of dialogue between the Iraqi authorities on the one hand and the Special Commission on the other". In a further letter dated 11 June 1993, Mr. Al-Qaysi added that "what we requested ... was a 'postponement of the decision' on the subject" until the proposed dialogue;

(v) Iraq's position is maintained despite assurances by the Commission that, if Iraq cooperated, its legitimate concerns would be met and the Commission's activities would be carried out in a manner which is not unduly intrusive;

(b) Iraq's full, final and complete disclosures of its proscribed weapons programmes, due under Security Council resolution 707 (1991), and its initial declarations, due under the plans for ongoing monitoring and verification, contain major shortcomings that will need to be rectified if they are to form the basis for a definite material balance of Iraq's past weapons of mass destruction programmes and for effective monitoring and verification of compliance. The information so far provided is tailored to what the Iraqi authorities consider the Special Commission to know already, rather than constituting a frank and open disclosure of all the true facts. One set of declarations, concerning the legal and administrative actions taken by Iraq to give effect to its obligations relating to ongoing monitoring and verification, has never been submitted;

(c) Iraq continues to refuse to divulge information indicating the names of foreign companies from which it has purchased equipment and materials. This is clearly unacceptable. Accurate information is essential if the Special Commission is to establish a material balance for proscribed items and, with IAEA and the Sanctions Committee, to devise a workable and realistic mechanism for import control required by paragraph 7 of resolution 715 (1991);

(d) In the period under review, there have been a number of serious incidents of breaches by Iraq of the Commission's rights, privileges and immunities. In January 1993, as reported in document S/25172, Iraq sought to deny the Commission the use of its own aircraft to transport personnel and equipment into and out of Iraq to and from Bahrain. In February 1993, Iraq threatened to shoot down a helicopter providing supporting overhead surveillance for an inspection team if the aircraft did not leave the vicinity of the site. In June, Iraq has blocked the installation of monitoring cameras (see subpara. (a) (iv) above), missed two deadlines for the removal and delivery to the Special Commission of equipment for the production of chemical weapons precursors and delayed an inspection of a site by a full day;

(e) The events referred to in subpara. (d) above also fit into a general pattern of Iraqi conduct. Iraq has, through its conduct since the last report,

consistently demonstrated its desire to limit the Commission's inspection rights and operational capabilities through seeking to place restrictions on inspectors in the course of their work. While many of these Iraqi actions have taken place during the course of inspections under resolution 687 (1991), the Commission has no doubt that they form part of a long-term campaign to establish a practice for the conduct of inspections that would severely restrict the rights provided in the plans for ongoing monitoring and verification and relevant Security Council resolutions. Iraq is thus clearly seeking to assert for itself the right to interpret how the resolutions should be implemented. Included in this campaign have been attempts by Iraq to dispute the Commission's instructions on the destruction of equipment intended for the production of banned weapons; to restrict the scope of inspections and information gathering; to restrict access and impose delays on inspections; to restrict the exercise of the Commission's aerial rights; to impose limits on the duration, size and composition of inspections; to require advance notice of inspection activities; and to limit the right to take photography. Further details on these incidents can be found in appendix III. Each incident has varied in seriousness. Some might not be significant were they not part of a general trend. However, when taken together, these incidents add up to a major impediment that would effectively impede credible long-term monitoring and verification. This again underlines the need to obtain from Iraq as soon as possible its formal acknowledgement of its obligations under resolution 715 (1991), so that the Council's requirements laid down in that resolution can be met.

10. Thus the situation remains essentially unchanged from the time of the last report: the intention to proceed from inspection and survey through destruction to ongoing monitoring and verification has, in large part, continued to be thwarted by the actions of the Iraqi Government. While preparations for the implementation of the plans are being made, the basic conditions for their full-scale implementation have not yet been met.

B. Operational developments

11. In the chemical weapons area, further inspection and destruction activities have been conducted, with the emphasis remaining on destruction. Attempts to elicit further information on Iraq's chemical weapons programme through a "seminar" held during an inspection proved unproductive because of the uncooperative attitude of the Iraqi counterparts. No further weapons or associated equipment have been found by inspection teams or declared by Iraq. However, further progress has been made in identifying what equipment and plant need to be destroyed. In this regard, a serious instance of Iraqi obstruction has arisen. Iraq was instructed to move certain items of equipment acquired for chemical weapon precursor production to Muthanna for destruction under Commission supervision there. It replied that it wished to reuse the equipment for the production of pesticides. Iraq, despite the Commission's insistence that its decision is final on the grounds that the equipment was acquired expressly for chemical weapons production and that, even if converted for pesticide production, it could easily and rapidly be reconverted for weapons production, has still not moved all the equipment as instructed. Full accounts of inspection and destruction activities can be found in appendices IV and V respectively.

12. Further biological inspections were also conducted, as was a "seminar" with Iraqi counterparts on biological weapons issues. The same non-cooperative attitude was met in this area as with chemical weapons. However, inspection activities did assist in identifying additional facilities to be included in the plan for ongoing monitoring and verification.

13. On ballistic missiles, efforts have concentrated on three main aspects: trying to establish a definitive material balance for the SCUDs supplied by the former Soviet Union; trying to account for Iraq's production capacity in the ballistic missiles area; and establishing an interim monitoring regime for Iraq's dual-capable missile research and development facilities. This last has proved necessary because of Iraq's refusal to acknowledge its obligations under the plans for ongoing monitoring and verification (see appendix II).

14. Aerial surveillance activities have continued apace, using both U-2 (a total of 141 missions now flown) and helicopter platforms (236 targets now flown). Helicopter missions continue to be flown in support of ground inspections and to provide a time-series photographic record of sites which will need monitoring under the plans for ongoing monitoring and verification. Plans are also in place to mount additional sensors to the helicopters to give them greater monitoring and deterrence capability. Details of both these operations are contained in appendix V.

C. Iraq's declarations

15. Iraq's failure to provide full and honest declarations was touched upon in paragraph 9 (b) above. On 14 February 1993, Iraq provided a second set of declarations entitled "Updated monitoring information. Report No. 2". These add little to the first declarations. Attempts to elicit fuller information on chemical and biological issues were met with a totally unacceptable and uncooperative response, as noted above. Despite internationally verified evidence to the contrary, Iraq denies ever using chemical weapons. It refuses to hand over the missile-firing records essential if the Commission is to verify Iraqi claims to have accounted for all the Soviet-supplied SCUD missiles.

IV. ISSUES AND PRIORITIES FOR THE FUTURE

16. From the above, it can be seen that, despite further progress, no major breakthrough has been achieved that could make it possible to change the conclusion of the previous report. The most important developments have taken place in the area of destruction of proscribed items, but still much remains to be done. The main areas that require action before the Commission will be in a position to report to the Security Council that Iraq is in substantial compliance with its obligations remain as follows:

(a) Acknowledgement by Iraq of its obligations under Council resolutions 707 (1991) and 715 (1991);

(b) Supplementation and revision of Iraq's "reports" to the point where, in the view of the Commission, they conform with the full, final and complete disclosures required under resolution 707 (1991), particularly as concerns

former suppliers, and with initial declarations required under the plans for ongoing monitoring and verification adopted by resolution 715 (1991);

(c) Destruction of all items of equipment identified by the Special Commission as requiring destruction;

(d) The initiation and smooth functioning of the plans for ongoing monitoring and verification to ensure that Iraq does not reacquire the weapons proscribed to it;

(e) Acceptance and implementation by Iraq of all the Commission's privileges and immunities, including ensuring the safety and security of the personnel and property, landing rights for aircraft and non-obstruction of the inspections and logistics.

17. Further inspection activities are planned in each of the weapons categories. Destruction activities now focus on chemical weapons and equipment for their production. Preparations for the implementation of the plans for ongoing monitoring and verification are under way and ideas on the potential form of an import control regime for after the lifting of sanctions have been discussed. New staff recruitment reflects the shift of emphasis towards attempting to establish whether Iraq still has items which should be declared; tracking down Iraq's supplier networks; interim monitoring; preparations for ongoing monitoring and verification activities; and further elaboration of the ideas for import monitoring.

18. The priorities remain to obtain Iraq's acknowledgement of its obligations under resolutions 707 (1991) and 715 (1991) and to obtain satisfactory amendments to the various declarations, especially in relation to suppliers.

Appendix I

Organizational and administrative issues

A. Staffing of the Special Commission

1. The Commission currently has a total of 140 positions distributed amongst its three offices. Fifty positions are supported by the Commission. The balance of the staff are on loan from their Governments for assignments ranging from 3 to 12 months. Personnel, equipment and services have been provided for the Commission's activities by Argentina, Australia, Austria, Belgium, Canada, China, the Czech Republic, Finland, France, Germany, Greece, Hungary, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, the Netherlands, Nigeria, Norway, New Zealand, Poland, the Republic of Korea, Romania, the Russian Federation, Spain, Sweden, Switzerland, Thailand, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. The responsibilities of the Director-General of IAEA are carried out by the Action Team set up within IAEA, the staff of which charged to the Commission's budget are indicated in paragraph 3 below. The Action Team draws upon the part-time services of numerous staff of various IAEA departments, funded under the regular IAEA budget.

2. The staff of the Commission are distributed as follows:

(a) Headquarters of the Commission in New York. The headquarters of the Commission in New York has a total of 32 staff assigned to it: 18 positions (8 in the Professional category and 10 in the support staff category) are currently charged to the operating budget of the Commission; and 14 positions are filled by staff assigned to the Commission by various Member States.

Unit	Position
Office of the Chairman	1 Executive Chairman 1 Deputy Chairman 1 Legal Adviser 1 Political Adviser and Spokesman 3 Support staff
Administrative Office	3 Professionals 2 Support staff
Division of Operations	7 chemical, biological, ballistic and nuclear experts 1 Support staff
Information Assessment Unit	5 Chemical, biological, ballistic and nuclear experts 2 Advisers in aerial photography 5 Support staff

(b) Office of the Commission in Bahrain. The Bahrain Field Office has a total of 25 staff assigned to it on a regular basis to provide financial, administrative, logistic and training support to the inspection activities of the Commission and IAEA pursuant to section C of resolution 687 (1991). Eleven positions (three Professionals and eight local support staff) are charged to the operating budget of the Commission. Functions break down as follows:

Administration and logistic support	3 Professionals 8 Local staff
Aerial and photographic support	1 Adviser
Air transport	13 Transall C-160 crew members

(c) Office of the Commission in Baghdad. A total of 83 persons are currently assigned on a long-term basis to the Commission's Baghdad office to provide logistic, communication and medical support to the inspection teams of the Commission and IAEA and in support of the chemical destruction programme and interim monitoring activities. Fourteen positions (nine Professionals, one international support staff and four local support staff) are under the Commission operating budget. The other 69 staff are provided by Governments.

Administration and logistic support	8 Professionals and Field Service staff 4 Local staff 1 International support staff
Aerial and photographic support	4 Advisers
Medical support	5 Medical staff
Chemical destruction	23 Advisers (including 3 medical staff dedicated to the chemical destruction programme)
Monitoring team	8 Advisers
Air transport	30 Helicopter crew members

B. International Atomic Energy Agency

3. The Action Team has a total of seven staff charged to the operating budget of the Commission (see also above):

Operational and technical support	5 Professionals
Administrative support	1 Professional 1 Support staff

C. Financial situation of the Special Commission

4. Under Security Council resolution 699 (1991), Iraq is responsible for meeting the costs of all United Nations operations resulting from section C of resolution 687 (1991). To date, Iraq has made no contribution to the Special Commission's expenses. Indeed, it has rejected two Security Council resolutions, 706 (1991) and 712 (1991), which sought an interim solution to the financing issue.

5. Consequently, the Commission has had to rely on voluntary contributions, in cash and in kind, and on cash advances. Since the inception of its operations in April 1991, a total of $42.4 million has been contributed by a limited number of countries to support the operations of the Special Commission. This amount includes a total of $33 million transferred from the escrow account established under Security Council resolution 778 (1992) and loans to be repaid from Japan, of $2.5 million, and the United States, of $2 million.

6. Resolution 778 (1992) requested the Secretary-General to ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction. On 3 November 1992, the Special Commission wrote to Governments that have supported the Commission's operations through the provision of equipment, services, personnel and transportation to ascertain whether they considered their support to be voluntary contributions or an advance, for which reimbursement will eventually be required. Germany has indicated that it considers a part of its contributions - $10 million - to be an advance requiring reimbursement. Saudi Arabia made a contribution of $30 million to the escrow account for the Special Commission activities. An additional $3 million has been made available from the escrow account to the Special Commission for a grand total of $33 million.

7. Expenditures crossed the $40 million mark at the end of May 1993. This amount includes the cost of major projects like the successful removal in 1992 of unirradiated nuclear fuel out of Iraq under a contract between IAEA and the Russian Federation for $2 million. The $40 million also includes the first instalment of $6 million for the cost of the contract for the removal of irradiated nuclear fuel which will have to be paid in the coming months. The remaining $32 million have been used to cover the cost of all other activities and operations of the Commission and IAEA.

8. An additional $35 to $40 million will be required between now and the end of 1993 to maintain the current level of activities:

(a) Removal of nuclear fuel contract: the balance of $18.565 million will be required to cover the $24.565 million contract. An estimated additional $0.8 million will be needed to cover the cost of spare parts, logistic support, insurance, etc;

(b) Ongoing operations: $10 to $15 million will be needed to maintain the pace of ongoing programmes and to cover the cost of planned operations;

(c) Loans: $4.5 million will be needed to cover repayments should the United States and Japanese loans be called. The above amount does not include the $10 million that Germany has disbursed until the end of 1992 for the air

support provided to the Special Commission and which it has indicated that it considers an advance to be repaid.

9. The Commission's expenditures have always been kept to the bare minimum and it has essentially been operated on a shoestring budget for lack of an appropriate funding mechanism. The uncertainty of the Commission's financial future currently has an impact on the ability to plan operations effectively. The implementation of Security Council resolution 715 (1991) will require a reassessment of staffing and logistic support requirements both at headquarters and in the field. A full-scale plan of operations could result in at least a doubling of current operational expenditures.

Financial status of the Special Commission

List of contributions	US$
United States	2 000 000
	2 000 000 (loan)
Japan	2 500 000 (loan)
Kuwait	1 000 000
United Kingdom	175 400
Saudi Arabia	1 730 000
(Escrow account)	30 000 000
Various (Escrow account)	3 000 000
Total contributions, including loans	42 405 400
Expenditures, up to 31 May 1993	39 815 000
Estimated requirements for 1 June-31 December 1993	37 810 000
Total	77 625 000
Projected shortfall for 1993 operations	35 219 600

Note: The total shortfall is $50 million when the loans of $4.5 million from Japan and the United States and the contribution of $10 million from Germany are taken into account.

Appendix II

Inspection activities

A. Chemical weapons inspections

1. UNSCOM47, consisting of two sub-teams, one designated CBW3 and the other IAEA 16, conducted inspection activities during the period from 5 to 14 December 1992, mainly in the chemical and bacteriological weapons field. The last report to the Council under resolution 699 (1991) was prepared before the results of this inspection had been assessed. Seven potential chemical weapons-related sites were visited, including a pharmaceutical plant. Nothing related to Security Council resolution 687 (1991) was found at any of these sites.

2. The two sub-teams jointly conducted a search of the "PetroChemical-3" headquarters. On arrival at the site, an incident occurred: documents were observed being removed from the premises. Some documents were subsequently returned and verified to be unrelated to Security Council resolution 687 (1991). However, the team was unable to establish whether these were the same as those removed.

3. Three question-and-answer "seminars" were held with Iraqi counterparts, specifically on Iraq's "full, final and comprehensive report" on chemical weapons. Little information was obtained. Indeed, the Iraqi side made it clear that it would not answer any question it considered "trivial, unethical or outside the scope of Security Council resolution 687 (1991)".

4. UNSCOM55 conducted chemical inspection activities from 6 to 18 April 1993. A number of potentially chemical weapons-related sites were visited, including the Fallujah sites, formerly part of the Muthanna State Establishment.

5. On 15 April 1993, during the UNSCOM55 inspection, the Chief Inspector handed over to the Iraqi side a letter requiring the removal by 31 May 1993 of certain items of equipment used in the $PCl_3/POCl_3$ production plant at Fallujah to Muthanna for destruction there under Special Commission supervision. These items had been acquired by Iraq specifically for the production of these chemical weapons precursors and as part of Iraq's chemical weapons programme. Consequently, the Commission decided that they needed to be destroyed. Irreversible conversion was not an option and, in any case, Iraq continues not to accept monitoring of dual-purpose equipment under the terms of the plans for ongoing monitoring and verification approved by the Council in its resolution 715 (1991) adopted unanimously under Chapter VII of the Charter. In such conditions, the Commission cannot guarantee the fate of any equipment redeployed by Iraq.

6. Iraq replied to this demand on 29 April 1993 saying that it wished to redeploy this equipment for use in insecticide production. On 14 May 1993, the Commission responded that it had taken into account Iraq's request for reuse of the equipment but that it stood by the earlier decision that, because the items were specifically acquired for the purpose of chemical weapons production, the equipment be removed and destroyed. Iraq responded to this letter on

27 May 1993, saying that the Commission had gone to extremes, adverse to Iraq, in interpreting its mandate, criticizing it, the Sanctions Committee and the Security Council respectively for their decisions relating to the destruction of equipment associated with weapons programmes, to Iraq's requests for imports and to the decisions to maintain sanctions. It accused the Commission and the Committee of following a policy of revenge against the Iraqi people and requested that the Commission change its decision. The Commission again responded on 4 June 1993, reminding Iraq of its obligations under the relevant resolutions and the Commission's rights and duties. It explained that the equipment in question could not be rendered harmless as it was intrinsically capable of being used for prohibited purposes and could quickly be reconverted for such. It gave Iraq until 10 June 1993 to complete the removal of the equipment and warned Iraq that failure to do so would result in the Commission reporting the matter to the Council. On 11 June 1993, Iraq responded that it "remained prepared to give the Special Commission, through bilateral technical consultations, practical guarantees to ensure peaceful use of this equipment in the long term". The Commission has informed Iraq that its decision on destruction is final. As of 14 June, some of the equipment had been removed to Muthanna, but much remained at Fallujah. No formal communication had been received from the Iraqi authorities as to their intentions regarding the remaining equipment. The matter was thus brought to the attention of the President of the Security Council and a formal report made to the Council on 16 June 1993 (S/25960).

B. Biological weapons inspections

7. UNSCOM47 also inspected three biological sites, including a visit to the Al Hakim Single Cell Production Facility. Nothing related to Security Council resolution 687 (1991) was found. However, some of the sites will have to be subjected to compliance monitoring.

8. Two question-and-answer "seminars" were held on biological weapons issues. As with the chemical issues, no useful information was obtained.

9. UNSCOM53/BW3 conducted inspection activities from 11 to 18 March 1993. Seven sites were inspected, including one that was undeclared and never previously visited by the Commission. The items inspected included research equipment, munitions and munition-filling equipment (which transpired to be conventional items). No evidence was found of activities related to Security Council resolution 687 (1991) but, as with most bacteriological weapons-related activities, many sites were found to have a dual-purpose capability. Consequently, the team made recommendations for compliance-monitoring activities.

C. Ballistic missile inspections

10. UNSCOM50 was conducted from 12 to 21 February 1993. This inspection recorded serial numbers of specific machinery and details of raw materials (to assist in the determination of the Iraqi supplier network) and assessed the capabilities of certain establishments and facilities in Iraq, including the Nasser State Establishment, the Yawm Al Azim Facility and the TECO test stand at

Zaafaraniyah. The team also supervised the destruction of the dies and molds at Taji used or intended for use in proscribed missile activities.

11. The mission of UNSCOM51 was to check specific information that items proscribed by Security Council resolution 687 (1991) were present in an area west of Baghdad. The items were reported to be related to ballistic missiles with a range greater than 150 kilometres and their associated vehicles. Three undeclared sites, suspected of concealing them, were thoroughly inspected: a large military ammunition production plant and two military units. The Commission designated each site for a short-notice inspection by UNSCOM51. The team conducted its activities on 22 February and mixed proven operational practices with a number of new operational modalities. The inspection team was established and dispatched to Iraq in very short order; it was augmented by the inspection personnel from UNSCOM50, already in Iraq. The designated sites were inspected immediately upon the arrival of the team in Iraq. Helicopter and high-altitude surveillance aircraft were fully integrated into the overall inspection programme. No proscribed items or activities were observed by any of the inspection elements.

12. However, during the inspection, a serious breach of the Commission's aerial surveillance rights occurred. A helicopter was initially prevented from establishing aerial surveillance over one site. Iraqi officials employed repeated and open threats of force to impede the helicopter's mission. On one occasion, this threat was aggravated by Iraqi personnel aiming and training their anti-aircraft guns on the helicopter. These actions on the part of Iraq put Commission personnel in real danger and constituted a gross violation of the Commission's rights and immunities. This serious incident was reported by the Executive Chairman to the Security Council on 24 February 1993. A full account, in the form of the note handed over to the President of the Council on that occasion, follows.

"Incident involving a Commission helicopter on 22 February 1993

"1. On 22 February 1993, one of the Special Commission's helicopters was flown in support of an inspection of three sites by Special Commission ground inspection teams. This flight had been notified to and acknowledged by the Iraqi authorities under established modalities.

"2. The Special Commission had information that missiles and launchers proscribed by resolution 687 (1991) might be concealed at the sites concerned and the helicopter air surveillance was undertaken so as to ensure that nothing was removed from the sites during the course of the short-notice ground inspection.

"3. At 1320 hours, the crew of the Special Commission's helicopter, on approaching one of the sites, was informed by radio from the accompanying Iraqi helicopter escort that the Commission's helicopter would not be permitted to fly over the site and it was forced to circle 1 to 2 kilometres north-west of the site. The crew contacted the Commission's Chief Inspector on the ground and informed him of the refusal received from the Iraqi authorities. The crew were ordered by the Chief Inspector to

proceed again in the direction of the site. As the crew carried out these instructions, they were informed by the Iraqi helicopter escort that, if the Commission's helicopter did not turn away from the site, it would be shot down. Visual observation from the helicopter confirmed that the anti-aircraft guns on the ground were being trained on and were tracking the helicopter. On receipt of this information, the Chief Inspector ordered the helicopter to withdraw to the other inspection sites.

"4. While circling the other inspection sites, the Iraqi authorities ordered the helicopter to return to its base at Rasheed and again threatened to shoot down the helicopter if it did not return to Rasheed. In the circumstances, the captain had no alternative but to proceed in the direction of Rasheed. While en route there a new communication was received from the Iraqi authorities that aerial inspection of the site could now take place. The helicopter proceeded to the site where the Iraqi authorities imposed new restrictions, permitting it to fly only over the western side of the area. Shortly thereafter, the helicopter had to return to Rasheed because of lack of fuel, landing there at 1512 hours.

"5. At Rasheed airbase, the Special Commission's Chief Aerial Inspector strongly protested to the local Iraqi officials the above events and indicated that one result had been that the aerial inspection had not been able to complete the tasks assigned to it. He indicated his intention to refuel and to return to the area to complete the assignment. The local Iraqi officials, after checking with higher authorities by telephone, interposed no objection, and the flight thus took place.

"6. In a subsequent interview between the Special Commission's Chief Inspector and General Amer Rashid, in response to the former's strong protest at the Iraqi threats to shoot down a Special Commission helicopter undertaking assigned aerial surveillance in support of a ground inspection under Security Council resolution 687 (1991), General Amer responded that the statements that the helicopter would be shot down were standard military practice."

D. Interim monitoring

13. Iraq's continued failure to acknowledge its obligations under resolution 715 (1991) is a major factor preventing the initiation of long-term monitoring by the Commission of Iraq's activities. Meanwhile, as has been ascertained in the course of recent Commission ballistic missile inspections, Iraq is actively pursuing missile-related activities that are covered by the long-term monitoring plan, to include the establishment of a dedicated missile research and design centre north-west of Baghdad.

14. This facility, known as the Ibn Al Haytham Missile Research and Design Centre, was established by Iraq on 4 April 1992 as the main centre for research and design activity in Iraq involving ballistic missiles not prohibited by resolution 687 (1991). This Centre is involved not only in the maintenance of existing permitted missile systems, but also in the design of new missile systems, including the Ababil 100 with a range close to 150 kilometres. The Centre employs many of the scientists and technicians who were involved in the

proscribed ballistic missile programmes prior to the Gulf War and adoption of resolution 687 (1991).

15. In the absence of Iraq's acknowledgement of resolution 715 (1991), which delays long-term monitoring efforts across the whole spectrum of Iraqi missile-related activities, interim monitoring of the Ibn Al Haytham Centre was initiated by the Commission to track Iraqi ballistic missile programmes to ensure that no proscribed activity is taking place. The first interim monitoring team, IMT1a, was sent into Iraq on 25 January 1993, where it spent eight weeks investigating the work of the Ibn Al Haytham Centre. The focus of the IMT1a mission was in the area of liquid propulsion systems and related technologies.

16. Based upon the results of IMT1a, the Commission dispatched to Iraq a new team of interim monitors, IMT1b, to relieve IMT1a on 27 March 1993. The purpose of the team was mainly to investigate and assess Iraq's capabilities to produce solid propellant missile systems and to establish the relationships between the various facilities involved in such activities within the Military Industrialization Corporation. It conducted its activities over a 52-day period 27 March to 17 May 1993, centred around 2 facilities: the Al Rasheed Factory, comprising the 3 plants, and the Al Qa'qaa' Establishment. In addition, the team visited the Ibn Al Haytham Research Centre, the focus of the previous monitoring team's activities, and other sites related to missile research and development in and around Baghdad.

17. The main issues discussed with the Iraqi counterparts included details of Iraq's missile designs; Iraq's knowledge of solid propellant technology; Iraq's general capabilities in missile production, both of complete systems and of components; Iraq's ability to increase the range of existing systems; the current status of Iraq's production facilities; and its plans for missile research, development, testing and production.

18. The information obtained by the team has improved the Commission's understanding of Iraq's past weapons programmes and of its technology baseline. It should, furthermore, be of use as and when the Commission is able to commence ongoing monitoring and verification activities in accordance with the plan approved by the Security Council in its resolution 715 (1991).

19. A third interim monitoring team entered Iraq on 5 June 1993. The main focus of this team is Iraq's production capacity in the ballistic missiles area. A full assessment and inventory will be made of Iraq's high-precision machine tools. Accompanying the team was a smaller sub-team whose task was to install cameras to monitor rocket test stands at two sites. Iraq was informed of the Commission's intention to install these cameras on 6 June 1993 but, as noted in the main body of the report, Iraq has to date blocked their installation on the grounds that they comprise sensors for monitoring under resolution 715 (1991), a resolution which Iraq says it will not accept, despite its being adopted unanimously by the Security Council acting under Chapter VII of the Charter.

20. Each interim monitoring team has been initially accompanied by a specialist team from the Commission, to oversee the establishment of the modalities of inspection and conduct preparatory discussions with Iraqi officials concerning the implementation of the interim monitoring regime. Interim monitoring of

Iraqi missile-related facilities will continue as long as the Commission deems necessary.

E. Removal of nuclear fuels

21. Under paragraph 12 of Security Council resolution 687 (1991), Iraq is required to place all its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of IAEA, with the assistance and cooperation of the Special Commission. It has already proved possible to remove from Iraq all the fresh uranium fuel assemblies intended for use in the reactors at Tuwaitha.

22. However, the complex legal and practical problems involved in removing, reprocessing and permanently storing the resultant wastes from the irradiated fuel assemblies used in the reactors and now stored at Tuwaitha and Location B, have so far delayed the removal of this nuclear fuel.

23. In late 1992, IAEA again approached the nuclear-weapons-States with a request for proposals for removal of the irradiated fuel assemblies, reprocessing and permanent storage of the resultant wastes. On the basis of replies received, negotiations have been entered into with CIR Minatom of the Russian Federation for a contract that would cover all aspects of removal, reprocessing and permanent storage of the resultant wastes. The Special Commission, which will be required to finance the contract, has been actively participating in these negotiations.

24. From 19 to 24 April 1993, an IAEA survey mission, with the participation of representatives of the United Nations, the Special Commission, CIR Minatom and its principal subcontractor for operations in Iraq - the Nuclear Assurance Corporation of the United States - visited Iraq to survey the sites where the removal of the fuel will be undertaken and to arrive at understandings with the Government of Iraq on its provision of services, equipment and manpower for the preparation and removal from Iraq of the 208 irradiated fuel assemblies.

25. A contract was concluded in Vienna on 14 June 1993. IAEA, the United Nations and the Special Commission insisted that the fuel assemblies are to be dealt with in accordance with all requisite international and national safety requirements and that the contract be for a fixed price without the possibility of major cost overruns.

Appendix III

List of incidents

A. Restrictions on the scope of inspections

1. During the course of the first interim monitoring team's mission, several other discussions occurred that indicated a misconception, deliberate or otherwise, on the part of Iraq. The Iraqi counterparts questioned the right of the team to make an inventory of or to tag certain items of equipment at the sites monitored, requesting that specific criteria be established and used to decide which items might be so treated. The team did not accept this position. Iraq indicated that certain items were of no concern to the Special Commission, when clearly the decision as to what is of concern to it lies with the Commission. Furthermore, some of the items involved have the potential to be used for proscribed purposes. The counterparts also complained about the purpose of this team, stating that it was to control, not monitor, Iraq's activities.

B. Denial of, or restrictions on, access and delays to inspection

2. On four occasions, Iraq has sought to deny the Commission's basic aerial rights - once in relation to entry of transport aircraft into and out of Iraq (see S/25172) and thrice in relation to overflight of sites for aerial surveillance by helicopter. Except for the flight over the two sites on the outskirts of Baghdad (see S/24985), the Commission was eventually able to conduct the flights. However, as already reported to the Council, one of these flights had to be conducted with a restricted flight pattern, and not before Iraq had threatened to shoot the helicopter down if it did not leave the vicinity of the site.

3. Iraq has also hindered access for inspection teams, sometimes seeking, on spurious grounds, completely to deny access. One team was initially denied access because inspection would "breach the sanctity of universities and would upset the students". In each instance, the inspection eventually took place. In the period under review, a total of eight Commission inspection activities were seriously delayed, in one case by over four hours. One, the aerial surveillance on the outskirts of Baghdad, has been blocked.

C. Restrictions on aerial rights

4. Paragraphs 11 (f) and (h) of the six-monthly report of 17 December 1992 (S/24984) described at length the problems faced until that date by the Special Commission. Problems have continued since. In addition to the incidents referred to in paragraph 2 above, Iraq has created further difficulties in relation to the Commission's aerial rights.

5. In his letter of 5 August 1992, Mr. Al-Zahawi, Adviser in the Iraqi Ministry for Foreign Affairs, informed the Executive Chairman of the Special

Commission that his request to use the Al-Rasheed airfield as the point of entry and departure for inspection teams was unworkable as the airfield was unserviceable. The Deputy Executive Chairman replied the next day, expressing the desire to use Al-Rasheed airfield as soon as it became operational. Recently, Sudanese Airways Boeing 707 aircraft have been observed using this airfield. However, inquiries by Commission personnel about the possibility of using it as the point of entry and exit have met with the response that such a decision would be political. No progress has been made on this issue.

6. Iraq has created problems in the operation of the aerial inspection team. It has sought: to establish "no-go" areas over which the team may not fly and which may not be included in the boxes designated the night before aerial inspections; to prevent the team taking photography and using binoculars while flying between designated sites and even over the designated site; to regulate the altitude at which the helicopters may fly over certain areas; and to demand 10 minutes' notice before an aerial inspection starts.

7. Each time the Commission's high-altitude U-2 surveillance aircraft flies, Iraq lodges a formal complaint about its activities. Iraq persists in calling the aircraft a United States spy plane and has recently described it as being used for "despicable criminal purposes", despite its United Nations registration and mandate. On 10 March 1993, the Minister for Foreign Affairs of Iraq, Mr. Al-Sahaf, addressed a letter to the Secretary-General (S/25387), which alleged that the aircraft had been used to assist in the planning of an Israeli operation to assassinate President Saddam Hussein.

D. Limits on the duration, size and composition of inspections

8. Iraq has sought to limit the duration of both monitoring and aerial surveillance activities, indicating, in relation to the former, that it should be of finite duration and, in relation to the latter, that aerial inspections should not last longer than 15 minutes.

9. Iraq has also sought to limit the size of inspection teams at certain sites it deems sensitive, such as universities, and to interfere in the composition of the team by, for example, seeking to exclude the Commission's own interpreters from a team. It has also sought to establish that those involved in the chemical destruction group at Al Muthanna are not permitted to take part in other inspection activities and to limit the turnover of Commission personnel in the helicopter support staff.

10. It is clear from the Status Agreement of May 1991 that the Commission has the right to decide the expertise it needs to conduct inspections and hence the right to choose the number and the types of experts it needs on each team and to inspect each site. Iraq is obliged to allow personnel named by the Commission access to conduct their tasks.

E. Advance notice of inspection activities

11. For aerial surveillance activities, Iraq has sought to establish that it should receive advance notice of the site to be surveyed. No-notice inspections are essential to the effectiveness of the Commission.

F. Provision of data

12. As noted in paragraphs 9 (b) and 15 of the main body of the report, Iraq has failed to provide adequate declarations either of its past proscribed programmes or of its dual-capability facilities, which would need to be incorporated into the plans for ongoing monitoring and verification. The Commission has sought to supplement those declarations during each of its inspections. However, Iraq refuses to offer information willingly, or at all, in certain key areas, e.g. on its supplier networks or its previous use of chemical weapons. Consternation has also been expressed by Iraqi counterparts that the Commission continues to ask questions about Iraq's past programmes, despite the fact that these questions are asked because of Iraq's failure to fulfil its obligation to make full, final and complete disclosures on all aspects of its past programmes.

13. Furthermore, Iraq has been unable or unwilling to produce specific items of equipment that the Commission has evidence were supplied to Iraq. Teams continue to find equipment and documents containing information pertinent to their mandate under the resolutions and ongoing monitoring and verification plans.

G. Photography

14. Iraq has sought to limit the Commission's unrestricted right to photograph any item or activity it deems of relevance to its task. Iraq has delayed photography until "permission" has been obtained from more senior officials; it has sought to prevent photography over a designated site; and it has sought to limit aerial photography to items within a set perimeter and inspection team photography to items Iraq deems to be related to resolution 687 (1991). If this last rule were applied, it would open the possibility of Iraq deciding what was "687-related" and could be used by Iraq to exclude all dual-purpose facilities, items and activities covered by the plans approved under resolution 715 (1991).

H. Security

15. The issue of security was dealt with at length in appendix II to document S/24984. Since that report and in addition to the threats to the Commission's aircraft referred to above, there have been continued incidents of vandalism of Commission vehicles, including the smashing of windscreens, windows and mirrors and the breaking of aerials. Four of these incidents occurred while the vehicles were being driven by Commission personnel. In one such incident, the drivers were medics and the vehicle bore Red Crescent markings. These ambulances have also come under attack whilst parked in hotel car parks.

16. Items continue to be taken from the offices and personal quarters of the Commission. Staff continue sporadically to receive threatening and harassing telephone calls in their hotel rooms in the middle of the night. On 8 June 1993, members of an inspection team had light bulbs thrown at them while they were walking to a restaurant in Baghdad.

Appendix IV

Destruction of Iraq's chemical agents and munitions

1. The present report focuses on developments since the last report.

A. Operations at Muhammadiyat

2. On 21 February 1993, activities started at Muhammadiyat, a chemical weapons storage site west of Baghdad. Most of the stable, filled munitions have been transported to Muthanna (99 250-gauge bombs, 21 500-gauge bombs and 9 DB0 bombs). Destruction on site of unfilled (52 DB0 bombs and 1,105 DB2 bombs) and unstable filled (81 250-gauge bombs and 6 500-gauge bombs) munitions has started. Remaining at Muhammadiyat are 5,127 250-gauge and 1,094 500-gauge bombs (unfilled) and 20 mustard-agent-filled 250-gauge bombs.

B. Incinerator operations

3. The incinerator operates at temperatures in excess of 1,100° C and so meets the specifications set by the Destruction Advisory Panel for the destruction of mustard agent and precursors. During the third week of March 1993, a combustion efficiency monitoring system was installed to monitor performance by continuously measuring concentrations of the combustion gases.

4. Mustard agent is destroyed either by direct injection into the furnace or in a toluene/benzene/diesel mix. Some of the mustard agent has polymerized, complicating the process of extraction and destruction.

C. Hydrolysis operations

5. The neutralization of nerve agents by hydrolysis continued. In early February 1993, hydrolysis of the bulk stocks of the nerve agent sarin was completed, followed shortly after by the completion of the explosive incineration of 122mm sarin-filled rockets on 14 February 1993. On 23 April the destruction of the remaining sarin from the Al Hussein warheads was completed. On 15 February 1993, operation of the hydrolysis plant turned to destruction of the tabun precursor D4.

D. Destruction of munitions

6. During the period covered by the present report, destruction of the following munitions was completed: 122mm rocket motors and components, R400 aerial bombs and tail fin assemblies, unfilled 250-gauge bombs (by cutting) and unfilled DB2 bombs (by crushing). Drainage of 250- and 500-gauge aerial bombs continued and a technique of venting the 155mm mustard-filled projectiles was developed and adopted as the key initial step in the method for their destruction.

E. Status of destruction activities as of 17 June 1993

265 122mm rockets and warheads

6,152 122mm rocket warheads

873 122mm rocket motors

16,885 122mm rocket propellant grains

1,977 122mm rocket motor tubes

1,492 155mm mustard projectiles

21 empty 155mm projectiles

29 Al Hussein warheads for GB/GF

347 R400 bombs

333 R400 tail fin assemblies

1,473 partially filled and polymerized 250- and 500-gauge aerial mustard bombs

120 litres of GB nerve agent

61,273 litres of GB/GF nerve agent

69,328 kg mustard agent

73,005 litres of D4

14,600 litres of DF

1,120 litres dichlorethane

107,148 litres isopropyl alcohol

28,730 litres thio-diethyleneglycol

1,200 litres cyclohexanol/isopropyl alcohol

297,400 litres phosphorous oxychloride

134,200 litres thionyl chloride

415,000 litres phosphorous trichloride

32 2-ton bulk storage containers

Appendix V

Information Assessment Unit

1. During the period under review, the Information Assessment Unit has been strengthened and the Commission has been able to make good use of its improved capabilities.

2. The Unit is mandated to carry out the collection and management of information and to assess available data, in order to create a strong foundation for the Special Commission's implementation of the tasks entrusted to it by the Security Council.

3. With regard to information collection, the Unit is, inter alia, identifying information gaps and preparing proposals for how they might be filled using the Commission's collection capabilities. These capabilities include the high-altitude reconnaissance aircraft (U-2), which is currently carrying out up to three surveillance missions per week over Iraq. U-2 imagery is the property of the Commission. It is processed for the use of the Commission (and IAEA) with the help of the United States Government. The Unit is responsible for the tasking of the U-2, coordinating its operations and, with the support of United States specialists, the assessment and interpretation of the imagery.

4. The Unit is furthermore responsible for the aerial inspection activities using the Commission's helicopters in Baghdad as a platform. Thus the Unit identifies targets for aerial inspections carried out by the aerial inspection team permanently based in Baghdad. The aerial inspections utilize first and foremost photography, but other means are also in planning. The imagery resulting from these surveys is analysed by the Unit's photographic interpreters. The imagery, as well as other data acquired through the aerial surveillance activities, are made available for operational planning purposes.

5. The Unit also maintains contacts with relevant agencies within the supporting Governments and requests and obtains from them information of relevance for the work of the Commission.

6. The management of the large amount of data made available to the Commission is a growing responsibility for the Unit. The sources for the data to be dealt with by the Unit are, in addition to Iraq's own declarations, the inspection reports, the aerial surveillance products and the information from Governments.

7. The Unit has spent considerable time in developing ways and means for effective and dynamic management of the wealth of data collected by it. An information management evaluator has been assisting the Commission in developing a data management system corresponding to the needs of the Information Assessment Unit. Inside the Unit, a fully functional data management system is now in place. Some more equipment has to be purchased and recruitment of further operating personnel is under way.

8. The assessment or analytical work on available data carried out in the Unit constitutes, in many respects, the heart of the Commission's activities. This work sets the agenda for the operations side and provides the Executive Chairman

with the substance and the technical foundation for reports to the Security Council, for the political evaluation of the extent of Iraq's implementation of its obligations under the cease-fire arrangements and for assessments of the magnitude of the remaining tasks. The significance and importance of the analytical work will only grow with the gradual introduction of monitoring and verification in the activities of the Commission.

9. It is the ambition to keep the Unit, on a continuous basis, staffed with analysts knowledgeable in all the relevant weapons and production categories. However, as there are both practical reasons and reasons of principle for expanding their experience in the field, analysts will regularly participate in inspection teams.

Aerial surveillance programmes

10. As of 15 June 1993, 236 targets had been subjected to helicopter surveillance, and 141 U-2 missions had been flown.

High-altitude surveillance

11. As additional staff has become available to the Unit, particularly additional photographic interpreters, the Unit has been increasingly able to provide specific taskings for U-2 missions. Prior to this, the U-2 operated primarily on the basis of a general priority list, rather than specific taskings to photograph specific sites.

Helicopter surveillance

12. Over the past several months, the focus of the helicopter photographic surveillance programme has been on sites which, at least potentially, are to be subjected to long-term monitoring. Some 60 monitoring missions have been completed. The first such mission at a given site is intended to produce comprehensive photographic coverage of it; subsequent missions would normally involve photography only of changes at the site evident from visual observation.

13. Helicopter surveillance missions continue to be executed in conjunction with ground inspections; typically, the aerial inspection team on board the helicopter is used to "secure" a site subjected to a surprise inspection. In this context, to "secure" a site is to maintain surveillance so as to spot any attempt by Iraqi authorities to remove proscribed items prior to the site being sealed off by the ground inspection team. Subsequently, the aerial inspection team can conduct a normal photographic mission of the site.

14. During UNSCOM51, for example, both the heliborne aerial inspection team and the U-2 were used for surveillance of the sites being inspected by the ground teams.

Appendix VI

Inspection schedule

(In-country dates)

Nuclear

15 May-21 May 1991	IAEA1/UNSCOM 1
22 Jun-3 Jul 1991	IAEA2/UNSCOM 4
7 Jul-18 Jul 1991	IAEA3/UNSCOM 5
27 Jul-10 Aug 1991	IAEA4/UNSCOM 6
14 Sep-20 Sep 1991	IAEA5/UNSCOM 14
21 Sep-30 Sep 1991	IAEA6/UNSCOM 16
11 Oct-22 Oct 1991	IAEA7/UNSCOM 19
11 Nov-18 Nov 1991	IAEA8/UNSCOM 22
11 Jan-14 Jan 1992	IAEA9/UNSCOM 25
5 Feb-13 Feb 1992	IAEA10/UNSCOM 27
5 Feb-13 Feb 1992	IAEA10/UNSCOM 30
7 Apr-15 Apr 1992	IAEA11/UNSCOM 33
26 May-4 Jun 1992	IAEA12/UNSCOM 37
14 Jul-21 Jul 1992	IAEA13/UNSCOM 41
31 Aug-7 Sep 1992	IAEA14/UNSCOM 43
8 Nov-19 Nov 1992	IAEA15/UNSCOM 46
5 Dec-14 Dec 1992	IAEA16/UNSCOM 47
22 Jan-27 Jan 1993	IAEA17/UNSCOM 49
3 Mar-11 Mar 1993	IAEA18/UNSCOM 52
30 Apr-7 May 1993	IAEA19/UNSCOM 56

Chemical

9 Jun-15 Jun 1991	CW1/UNSCOM 2
15 Aug-22 Aug 1991	CW2/UNSCOM 9
31 Aug-8 Sep 1991	CW3/UNSCOM 11
31 Aug-5 Sep 1991	CW4/UNSCOM 12
6 Oct-9 Nov 1991	CW5/UNSCOM 17
22 Oct-2 Nov 1991	CW6/UNSCOM 20
27 Jan-5 Feb 1992	CW7/UNSCOM 26
15 Apr-29 Apr 1992	CW8/UNSCOM 35
21 Sep-29 Sep 1992	CW9/UNSCOM 44
6 Apr-18 Apr 1993	CW10/UNSCOM 55
18 Nov-1 Dec 1991	CBW1/UNSCOM 21
26 Jun-10 Jul 1992	CBW2/UNSCOM 39
6 Dec-14 Dec 1992	CBW3/UNSCOM 47
21 Feb-24 Mar 1992	CD1/UNSCOM 29
5 Apr-13 Apr 1992	CD2/UNSCOM 32
18 Jun 1992-	CDG/UNSCOM 38

Biological

2 Aug-8 Aug 1991	BW1/UNSCOM 7
20 Sep-3 Oct 1991	BW2/UNSCOM 15
11 Mar-18 Mar 1993	BW3/UNSCOM 53

Ballistic missiles

30 Jun-7 Jul 1991	BM1/UNSCOM 3
18 Jul-20 Jul 1991	BM2/UNSCOM 10
8 Aug-15 Aug 1991	BM3/UNSCOM 8
6 Sep-13 Sep 1991	BM4/UNSCOM 13
1 Oct-9 Oct 1991	BM5/UNSCOM 18
1 Dec-9 Dec 1991	BM6/UNSCOM 23
9 Dec-17 Dec 1991	BM7/UNSCOM 24
21 Feb-29 Feb 1992	BM8/UNSCOM 28
21 Mar-29 Mar 1992	BM9/UNSCOM 31
13 Apr-21 Apr 1992	BM10/UNSCOM 34
14 May-22 May 1992	BM11/UNSCOM 36
11 Jul-29 Jul 1992	BM12/UNSCOM 40A+B
7 Aug-18 Aug 1992	BM13/UNSCOM 42
16 Oct-30 Oct 1992	BM14/UNSCOM 45
25 Jan-23 Mar 1993	IMT1a/UNSCOM 48
12 Feb-21 Feb 1993	BM15/UNSCOM 50
22 Feb-23 Feb 1993	BM16/UNSCOM 51
27 Mar-17 May 1993	IMT1b/UNSCOM 54
5 Jun 1993-	IMT1c/UNSCOM 57

Special missions

30 Jun-3 Jul 1991
11 Aug-14 Aug 1991
4 Oct-6 Oct 1991
11 Nov-15 Nov 1991
27 Jan-30 Jan 1992
21 Feb-24 Feb 1992
17 Jul-19 Jul 1992
28 Jul-29 Jul 1992
6 Sep-12 Sep 1992
4 Nov-9 Nov 1992
13 Mar-22 Mar 1993
19 Apr-24 Apr 1993

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21 June 1993

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LETTER DATED 21 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter No. Sup/2-1/5 dated 25 May 1993 (S/25925) and its enclosures, I have the honour to transmit herewith for your kind attention a letter from H.E. Dr. Hussain Abu Salih, Minister of Foreign Affairs of the Republic of the Sudan regarding the unabated aggression of the Egyptian Government on the Sudanese region of Halaib.

This blatant aggression of the Egyptian authorities constitutes a grave threat to the peace and security in the area.

I would be grateful if you could kindly circulate this letter as a document of the Security Council.

(Signed) Ahmed SULIMAN
Permanent Representative

Annex

[Original: Arabic]

Letter dated 19 June 1993 from the Minister for Foreign Affairs of the Sudan addressed to the President of the Security Council

With reference to the letter dated 30 May 1993 from the Minister for Foreign Affairs of Egypt (S/25926) in response to our letter dated 18 May 1993 (S/25925) concerning the persistence of the Egyptian Government in its violations of and open aggression against Sudanese sovereignty in the Halayib area, which pose a threat to security, peace and stability in the entire region and not only in the Sudan and Egypt, we should like to inform the Council as follows:

1. The Council has no doubt noted that each of the letters we have addressed to you since the Egyptian aggression against Sudanese sovereignty began has conveyed both a record of the latest developments with respect to Egyptian violations and an affirmation of the official position of Sudan concerning those violations.

Since the Sudan is fully aware of the rules and possible frameworks for addressing the situation at this stage of development of the dispute, we are anxious to place the Council in possession of the facts relating to all ongoing developments on the ground in the Halayib triangle.

2. Accordingly, the attempts made at a number of points in the letter from the Minister for Foreign Affairs of Egypt addressed to you to belittle and disparage the importance of our previous letters assuredly do not refute an official position registered by the Sudan with the Council concerning Egyptian occupation and Egyptian violations of the Sudan's sovereignty in the Halayib region.

While the Minister for Foreign Affairs of Egypt has failed to perceive its importance, we have to state that this position is fully in keeping with the insistence of all successive Sudanese Governments since 1958 that the Sudan's complaint against Egypt with regard to its encroachment on the Halayib region should continue to stand pending its resolution by political, legal or judicial means in accordance with the provisions of the United Nations Charter.

3. We note that the letter of the Minister for Foreign Affairs of Egypt again reiterates the statements already made by Egypt to the effect that the northern boundaries of the Sudan were established by the Agreement of 1899 at the 22nd parallel and that the modifications made to them in 1902 and 1907 were administrative adjustments by which no derogation of Egypt's sovereignty was intended.

You are aware from our previous letters that the Sudan concedes that the 1899 Agreement is among the legal documents, instrumentalities, concepts and principles that govern the status of the boundary between the Sudan and Egypt. It is not, however, uniquely authoritative in establishing the boundaries

between the two countries, and there are a number of other legal documents to which appeal must be made in the boundary dispute between the two countries or in any boundary dispute.

4. Although the Sudan adheres to the view previously expressed in its letters that the Council is not a forum contentiosum, we should like to call its attention to the following:

(a) The 1899 Agreement is that self-same agreement that has been rejected by all successive Egyptian nationalist movements and governments and regarded by them as null and void and devoid of force or effect. This is demonstrated by the official Egyptian documents themselves as well as by other international instruments and documents.

(b) The correct official title of the 1899 Agreement is "Agreement for the Future Administration of the Sudan", meaning an agreement "concerning the future administration of the Sudan" or "concerning the administration of the Sudan in the future". This being the case, how can this allow the Egyptian Government to claim that the 22nd parallel is the "international boundary" between the Sudan and Egypt? It should be understood that neither Egypt nor the Sudan was a "nation" at the time the agreement was concluded in 1899. Egypt was a de facto British protectorate and, indeed, an Ottoman province.

(c) Since the basic objective of the 1899 Agreement was the administration of the Sudan in the future, is it not logical for us to ask: Why should the 22nd parallel not be an administrative boundary between two entities or regions over which effective control was exercised by one of the great Powers, namely Great Britain, given that Egypt continued to be a British protectorate until 1922?

(d) International boundaries are not necessarily determined by a single authoritative source. The principle is rather that, in establishing their legal status, appeal should be made to numerous other legal documents and instruments, to maps, to legal principles, and to those means of arbitration that have settled numerous international boundary disputes.

5. The Minister for Foreign Affairs of Egypt is also of the view that Egypt's sovereignty over the Halayib area is based on the factual situation. Without entering into details, we should like to state that the modification of the 1899 Agreement was carried out with the intention of amending the 22nd parallel to accord with the demographic situation in terms of tribal affiliation and allegiance in the two countries. We agree with the Minister for Foreign Affairs of Egypt that the modifications were also made for humanitarian reasons. This perhaps accords with the statement made by the representative of the United Kingdom concerning the status of the boundaries between the two countries at the meeting held by the Security Council on 21 February 1958 on the complaint by the Sudan.

6. The current factual situation on which the Minister for Foreign Affairs of Egypt bases himself in his letter addressed to you is, in the view of the Sudan, one of Egyptian occupation and an attempt by the Egyptian armed forces to

perpetuate that occupation by military and civil measures. It is, in the view of the Sudan, an act of aggression that is unacceptable and is null and void. The Sudan calls once more for recourse to international law and to nothing but international law, in accordance with those provisions of the United Nations Charter relating to the settlement of disputes and as set forth in detail in article 38 of the Statute of the International Court of Justice.

7. The higher authorities in the Sudanese and Egyptian Governments agreed to establish a Joint Commission of the two parties as a mechanism for the discussion and resolution of the various aspects of the dispute. Despite the continuing Egyptian violations of Sudanese sovereignty at Halayib, the Sudan remains prepared to pursue the dialogue through the Joint Commission subject to the withdrawal by Egypt of its occupying forces and a return to the situation prevailing in the area in March 1992, when the meetings of the Joint Commission began. The Sudan sees no point in the meetings of the Joint Commission continuing while Egypt is persisting in its violations and in its occupation of the territory in dispute.

8. It is our belief that the proposal of the Minister for Foreign Affairs of Egypt that the dispute with the Sudan should be settled within the framework of the Commission established for this purpose adds nothing new as long as the Egyptian authorities continue to alter the character of the area and to occupy it by military force. The Egyptian authorities have persisted in their violations of Sudanese sovereignty and indeed in their violations of the conventions, rules and provisions of international law, inasmuch as they have unilaterally and by force of arms proceeded to demarcate the boundaries in dispute between the two countries and to install markers on the ground.

As you are aware, the determination of boundaries goes through numerous stages before it reaches the stage of demarcation on the ground, which is carried out by a joint team of the two parties. It is well established in boundary-making that the joint team in question should have determinative powers that enable it to take account of humanitarian aspects, sound administration and the actual situation within a framework of justice and fairness for both parties.

9. . The Sudan is anxious to have recourse to the customary legal and judicial procedures in order to resolve such differences. In our previous letters to you, we called upon the Egyptian Government to declare its agreement to withdraw its military forces from Sudanese territory and to choose the mechanisms and means for the diplomatic and legal solution that it desires, whether by judicial means or through arbitration.

10. The occupation of territory by military force does not provide a durable solution to any dispute. Accordingly, we have made a point of inviting the Egyptian Government to participate in creating an appropriate atmosphere for dialogue and negotiations. We once again repeat that invitation, despite the continuing escalation, the concentration of Egyptian military forces at Halayib and the fact that Sudanese nationals are being prevented from entering the Halayib area, all of which may have grave consequences for the region.

This is the Sudan's official position with regard to the dispute concerning the Halayib region. Accordingly, we call upon you to have the Council assume the task of containing an explosive situation that poses a threat to security and peace in the region and to induce Egypt to withdraw its forces from the Halayib region, rescind all of the measures it has taken in the area and ensure an appropriate atmosphere for the resumption of the talks within their proper legal framework.

(Signed) Husain Suliman ABU SALIH
Minister for Foreign Affairs of
the Republic of the Sudan

UNITED NATIONS **S**

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LETTER DATED 21 JUNE 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a letter dated 20 June 1993 from Mr. Mohammed Said al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, with an English translation of the text.

The letter contains an explanation of Iraq's position on the matters put forward by the Executive Chairman of the Special Commission during the Council's deliberations on 18 June 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Adnan MALIK
Chargé d'affaires a.i.

Annex

Letter dated 20 June 1993 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

We have seen the statement issued by the Security Council following its meeting on Friday, 18 June 1993, in which the Council discussed subjects to do with Iraq. We have also learned that Ambassador Rolf Ekéus, the Executive Chairman of the Special Commission, participated in the meeting and that it was he who presented the position of Iraq on a number of issues.

We wished to be invited ourselves to present, in a direct manner or by personal attendance, the Iraqi position on the matters concerning Iraq on the agenda of the Friday meeting. We were, however, denied the opportunity so to do; and the Security Council found it sufficient to listen to the views submitted by the UNSCOM Executive Chairman, and subsequently issued its statement on the subject. We therefore find it necessary to clarify the position of Iraq on the matter presented by the UNSCOM Executive Chairman.

The Special Commission, which has in actual fact completed supervising the implementation of all the fundamental parts of section C of resolution 687 (1991), wants now to begin implementing the provisions of resolution 715 (1991) without having committed itself to informing the Security Council that Iraq's compliance with the provisions of section C of resolution 687 (1991) makes it incumbent upon the Council to begin considering in earnest the implementation of paragraph 22 of resolution 687 (1991), i.e., lifting the economic sanctions imposed upon Iraq.

This is the main issue; and to describe the situation in the manner presented by the Executive Chairman of the Special Commission, claiming that Iraq has been in violation of resolution 687 (1991), is something that cannot be further from the truth. Iraq has indeed accepted and actually implemented this resolution. But the resolution itself states, in paragraph 22, that the Security Council:

> "Decides that upon the approval by the Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect".

This paragraph is as much mandatory as are all other parts of the resolution. To claim that Iraq has been, or intends to be, in violation of resolution 687 (1991) is totally baseless. Iraq has implemented all the fundamental obligations contained in this resolution. What is happening now, in actual fact, is that Iraq is being subjected to a politically motivated position which demands that Iraq should implement everything stated in the resolutions of the Security Council without the Council showing any commitment, for its part, to the lifting of the economic blockade imposed upon the Iraqi people.

This politically motivated and unjust position, which certain parties are trying to enforce, runs counter to the provisions of Security Council resolution 687 (1991). Iraq is ready to fulfil the remainder, if any, of its obligations. The Security Council should also, for its part, be ready to honour its obligations and should refrain from imposing additional political conditions upon Iraq in this regard.

Iraq has requested that the President of the Security Council conduct a professional, legal and technical review of what has been implemented of resolution 687 (1991), so that each party concerned should know their real duties and obligations as contained in the resolution and what has been implemented thereof.

Those who say that Iraq wants to see the resolutions of the Security Council renegotiated tell no truth whatsoever.

Our request is clear. The Minister for Foreign Affairs of the Republic of Iraq stated the following in his letter of 30 May 1993:

> "This request does not mean any renegotiation; but it means an objective review so that the Council may begin to consider in earnest the lifting of the economic blockade which has been imposed upon Iraq for nearly three years now."

The question of resolution 715 (1991) is integrally linked to this matter.

It is not fair to demand that Iraq give everything for nothing in return.

If the Council shows readiness to lift the economic blockade imposed upon Iraq, then Iraq will be ready to begin intensive work with the Special Commission to consider the subsequent stage which is to do with monitoring.

The Executive Chairman of the Special Commission has addressed three technical subjects in his report, through which he gave a selectively distorted and inaccurate picture of the Iraqi position, thus failing to present a true and comprehensive picture of this position. We therefore find it necessary to make clear Iraq's position in this respect:

1. <u>The installation of monitoring cameras</u>

The position taken by the competent Iraqi authorities on the request of the Special Commission, that remote-control cameras be installed for the ongoing monitoring of test stands at two sites of rocket not prohibited under the resolutions of the Security Council, is based on the following:

(a) The installation of such cameras on a permanent basis is one of the measures of ongoing monitoring, and not amongst the inspection measures covered by resolution 687 (1991). None of the numerous inspection teams that have so far visited Iraq, over a period of more than two years, has asked for such cameras to be installed on a permanent basis.

(b) The installations of ongoing monitoring cameras falls outside the purview of resolution 687 (1991). It is a measure that comes rather within the

framework of matters and questions that are still the subject of dialogue between the competent Iraqi authorities, on the one hand, and the Special Commission on the other.

(c) Iraq did not reject the principle of ongoing monitoring to which reference is made in resolution 687 (1991). Iraq has already accepted this resolution and has implemented all the fundamental obligations contained therein.

(d) Iraq neither possesses nor produces any missiles with a range of over 150 km. Inspection teams can make repeated visits to the two rocket test stands at the two sites of al-Yawm al-Adhim and al-Rafaah. We wish to stress at this point that UNSCOM 57, headed by Mr. Nikita Smidovich, is currently discharging the tasks entrusted to it by the Special Commission with the cooperation required of the competent Iraqi authorities. This team has conducted several technical discussions with the Iraqi side, and made many visits to the sites they wished to see.

2. Destruction of chemical production equipment

The equipment referred to in the report of the Executive Chairman of the Special Commission as "$POCl_3$, PCl_3", which are at al-Falluja site, are brand new and have never been in operation before; nor have they been used for any purpose whatsoever, prohibited or non-prohibited. These equipment can be used in the production of all sorts of prohibited and non-prohibited chemical materials. They can also be used in the production of many non-prohibited chemicals, particularly pesticides for agricultural purposes.

Iraq has requested the Special Commission not to destroy this equipment in view of its vital usefulness in the production of pesticides for agricultural purposes, which constitutes one of Iraq's crucial needs at present, in view of the continued imposition of the blockade and embargo upon this country, and because Iraq is, in all circumstances, an agricultural country and agriculture is essential to providing the most basic requirements of human life. Specialists involved in the work of the UNSCOM inspection teams are well aware that that equipment is extremely useful in the production of pesticides for agricultural purposes. The competent Iraqi authorities have proposed that an objective technical dialogue be conducted between Iraqi and UNSCOM specialists with a view to rendering that equipment harmless, in whatever technological manner deemed suitable, so that it cannot be used except for non-prohibited purposes. The competent Iraqi authorities have also expressed readiness to come to an agreement with the Special Commission on how to ensure the guarantees that will make the Commission sufficiently satisfied that these equipment will continue, in the long run, to be used for non-prohibited purposes. Why then does the UNSCOM Executive Chairman close the door before such a technical dialogue to be held in that an agreement may be reached on the use of the equipment in question?

3. Helicopter flights over Baghdad city

We wish to begin by pointing out that there is an agreement still valid between the competent Iraqi authorities and the Special Commission to the effect that no flights should be conducted over populated areas anywhere in Iraq, which

covers, as the UNSCOM Executive Chairman is undoubtedly aware, the capital, Baghdad, before all other areas for consideration of sovereignty and security which can involve sensitive and dangerous aspects.

When we consider this subject from a purely technical standpoint, we fail to comprehend the reasons behind the insistence that such flights continue to be conducted over the city of Baghdad. If the purpose is to ensure speedy arrival while making surprise visits to chosen sites, then the inspection team can reach by car any site within the Baghdad area from the hotel in which the team resides in much less than the time needed to drive from the hotel to the airport and then fly by helicopter from the airport to the site desired. If the objective is to do with the technical aspect of aerial photography, the Iraqi side has also expressed its readiness to arrange for photographs to be taken from high-rise buildings of other sites needed to be photographed.

These are the facts about the subjects discussed with the Special Commission, and these have been the views and proposals of the Iraqi competent authorities on them. We are extremely surprised by the attempts of the UNSCOM Executive Chairman to distort the Iraqi position, accuse Iraq of non-compliance with Security Council resolution 687 (1991) and incite the Council against Iraq, when he should be conveying to the Council the true picture about the long way Iraq has gone in implementing all the fundamental parts of section C of resolution 687 (1991).

We look forward to seeing the Security Council study the considerations of the Iraqi position which I have explained to you in this letter. These are considerations based on truth and justice. We also look forward to seeing the Council urge for a professional, legal and technical review to be conducted on what has been achieved of resolution 687 (1991), now that all the fundamental obligations of section C have been implemented, so that the Council can begin, in earnest, lifting the economic blockade which has been imposed upon Iraq for three years now.

(Signed) Mohammed Said al-Sahaf
Minister for Foreign Affairs
of the Republic of Iraq

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21 June 1993

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVE AND THE ALTERNATE REPRESENTATIVE OF NEW ZEALAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he had received credentials signed on 21 May 1993 by the Minister for Foreign Affairs of New Zealand stating that Mr. Colin Keating has been appointed representative of New Zealand on the Security Council and Ms. Denise Almao alternate representative.

In the opinion of the Secretary-General, these credentials are in order.

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Draft resolution

The Security Council,

Reaffirming its resolution 812 (1993) of 12 March 1993,

Taking note of the interim report of the Secretary-General dated 20 May 1993 (S/25810 and Add.1),

Also taking note of the requests of the Governments of Rwanda and Uganda for the deployment of United Nations observers along their common border as a temporary confidence-building measure (S/25355, S/25356, S/25797),

Emphasizing the need to prevent the resumption of fighting in Rwanda that could have adverse consequences on the situation in Rwanda and on international peace and security,

Stressing the need for a negotiated political solution, in the framework of the agreements to be signed by the parties in Arusha, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity (OAU) and the Government of the United Republic of Tanzania to promote such a political solution,

Taking note of the joint request of the Government of Rwanda and the Rwandese Patriotic Front (RPF) concerning the establishment of a neutral international force in Rwanda (S/25951),

Stressing the importance of the ongoing negotiations in Arusha between the Government of Rwanda and the RPF, and expressing its readiness to consider assistance to the OAU in the implementation of the agreements as soon as they are signed,

1. Welcomes with appreciation the report of the Secretary-General (S/25810 and Add.1);

2. Decides to establish the United Nations Observer Mission Uganda - Rwanda (UNOMUR) that will be deployed on the Ugandan side of the border, for an initial period of six months, as set out in the report of the Secretary-General (S/25810 and Add.1), and subject to review every six months;

3. Decides that UNOMUR shall monitor the Uganda/Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use;

4. Requests the Secretary-General to conclude with the Government of Uganda, before the full deployment of UNOMUR, a status of mission agreement including the safety, cooperation and support the Government of Uganda will provide to UNOMUR;

5. Approves the dispatching of an advance party within fifteen days of the adoption of this resolution or as soon as possible after the conclusion of the status of mission agreement and the full deployment within thirty days of the arrival of the advance party;

6. Urges the Government of Rwanda and the RPF strictly to respect the rules of international humanitarian law;

7. Further urges the Government of Rwanda and the RPF to refrain from any action that could contribute to tension;

8. Welcomes the decision of the Secretary-General to support the peace efforts of the OAU by putting two military experts at its disposal with a view to assisting the Neutral Military Observer Group (NMOG), in particular through logistic expertise to help expedite deployment of the enlarged NMOG to Rwanda;

9. Urges the Government of Rwanda and the RPF to conclude quickly a comprehensive peace agreement;

10. Requests the Secretary-General to report to the Council on the results of the Arusha peace talks;

11. Further requests the Secretary-General to report on the contribution the United Nations could make to assist the OAU in the implementation of the above-mentioned agreement and to begin contingency planning in the event that the Council decides such a contribution is needed;

12. Also requests the Secretary-General to report to the Council on the implementation of the present resolution within sixty days of the deployment of UNOMUR;

13. Decides to remain actively seized of the matter.